IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF ALABAMA EASTERN DIVISION

JAMES H. SHORTZ,)
PLAINTIFF,))
VS.	CASE NO.: 3:05-CV-00675-MHT-SRW
UNITED PARCEL SERVICE,)
DEFENDANT.)
)

DEFENDANT UNITED PARCEL SERVICE, INC.'S MOTION TO DISMISS PLAINTIFF'S COMPLAINT

Defendant United Parcel Service, Inc., incorrectly identified in the above-captioned matter as United Parcel Service ("UPS"), pursuant to Fed. R. Civ. P. 12(b)(6), respectfully moves this Court for an Order dismissing Plaintiff's Complaint in its entirety on grounds that the Complaint fails to state a claim upon which relief can be granted. In support of this Motion, UPS relies upon its Brief, which is being filed contemporaneously herewith.

Respectfully submitted, this 16th day of August, 2005.

/s/ William R. Pringle
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CERTIFICATE OF SERVICE

This is to certify that on this date I have filed a true and correct copy of the within and foregoing DEFENDANT UNITED PARCEL SERVICE, INC.'S MOTION TO **DISMISS PLAINTIFF'S COMPLAINT** electronically with the Clerk of Court using the CM/ECF system which will automatically send email notification of such filing to the attorneys of record participating in the CM/ECF system for this civil action, and I have served a true and correct copy of said filing upon Plaintiff by depositing same in the United States Mail with sufficient postage thereon to ensure delivery as follows:

> James H. Shortz P.O. Box 3874 Montgomery, Alabama 36109

This 16th day of August, 2005.

/s/ William R. Pringle William R. Pringle, Esq. Alabama Bar No. PRI066